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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/280,618	03/29/1999	MAHDI S. CHAMBERS	CHAMBERS-1	6099

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EXAMINER

KWOH, JASPER C

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/280,618

Applicant(s)

CHAMBERS, MAHDI S.

Examiner

Jasper Kwoh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 26 is objected to because of the following informalities: in line 3, "one a plurality" should be changed to "one of a plurality." Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-15, 17, 19-35, 37 and 39-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Descaine et al.

Regarding claim 1, Descaine et al. discloses a method comprising receiving signaling data from the original location (i.e. fig. 3, col. 4, ll. 14-21; signaling data is received through 128); determining the call type from the signaling data (i.e. fig. 3, 126, col. 4, 20-22, determines if the call is for voice or internet); directing the signaling data to the destination location (i.e. col. 4, ll. 22-26; internet routing element 124/144 alleviates congestion for internet traffic); and controlling a switch serving the destination location to direct traffic data (i.e. col. 4, ll. 34-35, control the internet routing element).

Regarding claim 23, Deschaine et al. discloses an apparatus comprising a receiver for receiving setup information of first protocol (i.e. col. 5, ll. 22-53, received

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SS7 message), processor to determine call type (i.e. col. 5, ll. 22-25), second processing unit for translating to second protocol for second call type (i.e. col. 5, ll. 6-11, signaling between line access switching end office switch and STP are done using standard signaling message Q.931 which are converted and forwarded from original signaling messages), a transmitter for forwarding for normal calls to PSTN for internet to ISP (i.e. col. 5, ll. 26-35), means for controlling switch ATM switch (i.e. col. 6, ll. 25-54, EO uses master controller to control routing and inform the ATM switch for ATM network 46)

Regarding claim 2, it is inherent that there are plurality of signaling messages which implies there's an initial and following messages.

Regarding claims 3, 25 and 27-28, Deschaine et al. discloses a method comprising lookup table (i.e. col. 6, ll. 36, performing lookup for routing) and system identifies if the call is a voice call or a data call (i.e. fig. 3, 126, col. 4, 20-22, determines if the call is for voice or internet). It is inherent that messages are decoded in order to understand the message.

Regarding claims 4, 24 and 26, Deschaine et al. discloses a method comprising lookup table to route the voice or data call to the destination (i.e. col. 6, ll. 36, performing lookup for routing); therefore, it is inherent a table is created with information stored.

Regarding claims 5-10 and 30-31, Deschaine et al. discloses a method comprising, first protocol (i.e. col. 4, ll. 32-33, SS7) and second protocol (i.e. col. 5, ll. 10-12, Q.931), translating the signaling message from the first to second protocol and

forward to appropriate destinations (i.e. col. 5, ll. 9-12, SS7 signaling is converted to Q.931 for use over standard interface and network terminator 54 provides the signal interface).

Regarding claims 11-12, 32 and 33, Deschaine et al. discloses a method including destination is a class 5 switch and remote access server (i.e. fig. 2, 16, 24; if it's a voice call, the call goes to the class 5 switch; however, if it's data then it's further transported to the internet routing element).

Regarding claim 14, it is inherent that ATM has permanent virtual connections. Therefore, Deschaine et al. which transmits using ATM includes using those connections.

Regarding claims 13 and 34, Deschaine et al. include sending command to switch and setting up ATM connection (i.e. col. 6, ll. 25-54, EO uses master controller to control routing and inform the switch)

Regarding claims 15 and 35, Deschaine et al. discloses using ATM switches (i.e. inherent in the ATM network fig. 2, 46).

Regarding claims 17 and 37, Deschaine et al. discloses storing call information and transferring information to an accounting system (i.e. fig. 5, col. 7, ll. 37-39; if it's a data call, the internet routing element will receive management information to direct the call).

Regarding claim 19, Deschaine et al. discloses a router comprising a first segment that determines call type (i.e. col., 5, ll. 23-26, determines if call is for PSTN or

ISP) and a second segment for switching transmission between destinations (i.e. fig. 3, 116, diverts the call).

Regarding claims 20-22, Deschaine et al. discloses a router comprising receiving setup information of first protocol (i.e. col. 5, ll. 22-53, received SS7 message), determine call type (i.e. col. 5, ll. 22-25), for normal calls, it's forwarded (i.e. col. 5, ll. 26-35), translating to second protocol for second call type (i.e. col. 5, ll. 6-11, signaling between line access switching end office switch and STP are done using standard signaling message Q.931 which are converted and forwarded from original signaling messages), controlling switch ATM switch (i.e. col. 6, ll. 25-54, EO uses master controller to control routing and inform the ATM switch for ATM network 46)

Regarding claim 39, Deschaine et al. discloses a destination call router comprising plurality of ATM switches (i.e. fig. 2, 46, ATM network includes plurality of ATM switches); and a router (i.e. fig. 2, 24, that intercepts first signal, (STP or other equivalent components receives the signaling message), translates (i.e. fig. 4C, SS7 is translated to ISUP fig. 5, 54, network terminator provides signal interface), and route to destination (network switch routes (i.e. fig. 4C 144 DEXCS) and controls ATM switches; the data network is ATM (fig. 2, 46).

Regarding claim 40, Deschaine et al. discloses a method comprising receiving signaling data from the original location (i.e. fig. 3, col. 4, ll. 14-21; signaling data is received through 128); determining the call type from the signaling data (i.e. fig. 3, 126, col. 4, 20-22, determines if the call is for voice or internet); first protocol (i.e. col. 4, ll. 32-33, SS7) and second protocol (i.e. col. 5, ll. 10-12, Q.931), translating the signaling

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message from the first to second protocol and forward to appropriate destinations (i.e. col. 5, ll. 9-12, SS7 signaling is converted to Q.931 for use over standard interface and network terminator 54 provides the signal interface); directing the signaling data to the destination location (i.e. col. 4, ll. 22-26; internet routing element 124/144 alleviates congestion for internet traffic); and controlling a switch serving the destination location to direct traffic data (i.e. col. 4, ll. 34-35, control the internet routing element).

Regarding claim 41, Deschaine et al. discloses a router comprising a first segment that determines call type (i.e. col., 5, ll. 23-26, determines if call is for PSTN or ISP) translating setup information of first protocol (i.e. col. 5, ll. 22-53, received SS7 message) to second protocol for second call type (i.e. col. 5, ll. 6-11, signaling between line access switching end office switch and STP are done using standard signaling message Q.931 which are converted and forwarded from original signaling messages); and a second segment for switching transmission between destinations (i.e. fig. 3, 116, diverts the call).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 16, 18, 36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Deschaine et al.

Regarding claims 16 and 36, Deschaine et al. does not specifically disclose that the called data is distributed over a system selected from the group consisting of T1, E1, STS-1, DS-3, frame relay, ATM and Ethernet. However, Deschaine shows that the system includes circuit switch and packet switch systems. T1, E1, STS-1, DS-3, frame relay, ATM and Ethernet are standards that are well defined and known in the art. Therefore, it would have been obvious to an ordinary person skilled in the art to include selecting from this group with the method and apparatus of Deschaine et al. The motivation is to allow the user to use another network that is available in order to reduce congestion of the telephone network.

Regarding claims 18 and 38, Deschaine et al. does not specifically disclose that the call information is selected from the group consisting of start time stamp, end time stamp, called party directory number, called party sub-address, calling party directory number, calling party sub-address, disconnect reason, inbound B-channel, outbound B-channel, inbound circuit identification code, outbound circuit identification code, inbound node identification, and outbound node identification. However, Deschaine shows that the system includes management information (i.e. fig. 5, 50). start time stamp, end time stamp, called party directory number, called party sub-address, calling party directory number, calling party sub-address, disconnect reason, inbound B-channel, outbound B-channel, inbound circuit identification code, outbound circuit identification code, inbound node identification, and outbound node identification are well known in the art in the area of telecommunication routing. Therefore, it would have been obvious to an ordinary person skilled in the art to include selecting from this group with the method

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and apparatus of Deschaine et al. The motivation is to allow the user to use another network that is available in order to reduce congestion of the telephone network.

Response to Arguments

6. Applicant's arguments filed 4/23/03 have been fully considered but they are not persuasive. Applicant asserts that Deschaine et al. is totally unconcerned with the forwarding or making of both call types. Examiner respectfully disagrees. As shown in figure 8, Deschaine et al. does disclose whether the call is an internet call or a PSTN call and switches the call accordingly.

7. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., conversion from a voice protocol to an internet protocol) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Crowe et al. (US006115460A) is cited to show bypassing the telephone network and route the call data traffic directly to the internet to reduce congestion of PSTN; and

b. Lewis (US006442169B1) is cited to show distinguishing between voice and data traffic in order to bypass data from the facilities of the telecommunication carrier.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasper Kwoh whose telephone number is (703) 305-0101. The examiner can normally be reached on Monday-Friday.

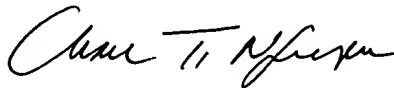
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703)308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.



JK
July 6, 2003

Jasper Kwoh
Examiner
Art Unit 2663



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